

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ELEANOR THOMAS

v.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, LLC

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CIVIL ACTION NO. _____

JURY TRIAL DEMANDED

NOTICE OF REMOVAL

AND NOW, come the defendant, Family Dollar Stores of Pennsylvania, LLC (hereinafter referred to as "Defendant"), by its attorneys, for the purpose only of removing this case to the United States District Court for the Eastern District of Pennsylvania and respectfully avers as follows:

1. This is a civil action filed and now pending in the Court of Common Pleas of Philadelphia County, Pennsylvania, Civil Action No. 170901996.
2. The action was initiated by the filing of a complaint on September 18, 2017. The complaint alleges that on June 27, 2016, plaintiff, Eleanor Thomas, was injured as a result of slipping and falling in a Family Dollar store located at 5716 Baltimore Avenue, Philadelphia, PA 19143. *See* a true and correct copy of plaintiff's complaint, attached hereto as Exhibit "A."
3. Defendant, Family Dollar Stores of Pennsylvania, LLC, is now, and was at the time plaintiff commenced this action and filed her complaint, a limited liability company organized under the laws of the Commonwealth of Virginia with its principal place of business in Virginia.
4. The citizenship of a limited liability company is determined by the citizenship of

its members.

5. Defendant, Family Dollar Stores of Pennsylvania, LLC is owned 100% by Family Dollar Stores, Inc. Family Dollar Stores, Inc. is the sole member of Family Dollar Stores of Pennsylvania, LLC.

6. Family Dollar Stores, Inc. is now, and was at the time plaintiff commenced this action and filed her complaint, a corporation organized under the laws of the State of Delaware with its principal place of business in Virginia, and thus is citizen of both Virginia and Delaware for purposes of determining diversity. 28 U.S.C. § 1332(c)(1).

9. Accordingly, Family Dollar Stores of Pennsylvania, LLC, is a citizen of the Commonwealth of Virginia and State of Delaware for purposes of determining diversity.

10. Plaintiff, Eleanor Thomas, was at the time this complaint was filed and is now a citizen of the Commonwealth of Pennsylvania.

11. Defendant seeks to remove this matter to the United States District Court for the Eastern District of Pennsylvania, and asserts that the amount in controversy in this matter is in excess of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs, as set forth below:

(a) Counts I of Complaint asserts claims against the Defendant for personal injury, and alleges that plaintiff, Eleanor Thomas, sustained injuries cervical sprains and strains, multi-level cervical disc herniations, multi-level lumbar disc bulges, left C6-7 radiculopathy, and posttraumatic cephalgia, all of which are alleged to be “serious and permanent” and constitute a “serious impairment of body function and/or permanent serious disfigurement.” *See* Exhibit “A” at ¶ 8.

(B) The *ad damnum* clause of the complaint seeks an amount in excess of fifty thousand (\$50,000) dollars against the Defendant, together with interest and costs of suit. *See* Exhibit “A”.

- (C) By letter dated November 6, 2017, Defendant's counsel wrote to Plaintiff's counsel asking Plaintiff to stipulate that the total amount of damages sought at any time did not total an amount in excess of \$75,000.00, exclusive of interest and costs. *See* Correspondence from Defendant's counsel to Plaintiff's counsel dated November 6, 2017, enclosing Stipulation to Cap Damages, attached hereto as Exhibit "B".
- (D) In the aforesaid letter, Defendant's counsel asked Plaintiff's counsel to advise by 2:00 p.m. on November 6, 2017, whether he would agree that the amount in controversy did not exceed \$75,000.00, otherwise Defendant would file a Notice of Removal of the action to federal court. *Id.*
- (E) To date, Plaintiff's counsel has not agreed to sign a Stipulation that the amount in controversy does not exceed \$75,000.00.
- (F) Given the nature of the injuries and economic losses claimed to be related to the alleged incident, and in light of the open-ended demand for damages in excess of \$50,000.00 and Plaintiff's refusal to cap damages to \$75,000.00, Defendant has adequately demonstrated by a preponderance of the evidence that the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. *See* 28 U.S.C. §1446(c)(2)(B).

12. Plaintiff and Defendant are citizens of different states, and the amount in controversy has been demonstrated by a preponderance of the evidence to be in excess of \$75,000; therefore, jurisdiction of this Court may be exercised on that basis.

13. Accordingly, Defendant removes the within action to this Court pursuant to 28 U.S.C. §1441.

14. Defendant was served with a copy of the Complaint on October 25, 2017, via its registered agent for service of process, Corporation Service Company ("CSC"). *See* Exhibit "C" attached hereto.

15. Although plaintiff filed an Affidavit of Service on October 11, 2017, indicating that Defendant was served on October 5, 2017 by serving CT Corporation System, *see* Exhibit "D" attached hereto, as noted on the Pennsylvania Department of State website (business entity

search), Defendant's registered agent for service of process is Corporation Service Company.

See Exhibit "E" attached hereto.

16. As stated previously, Corporation Service Company was served with the Complaint on behalf of Family Dollar Stores of Pennsylvania, LLC, on October 25, 2017.

17. Therefore, this Notice of Removal is timely, being filed within thirty (30) days of service upon Defendant of a copy of the initial pleading.¹ 28 U.S.C. §1446(b).

18. The averments made herein are true and correct with respect to the date upon which the Complaint was filed, the date upon which Defendant was served with Plaintiff's Complaint, and the date upon which this notice is being filed.

19. This action is one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. §1441. This action has been brought in a state court and a District Court of the United States has jurisdiction pursuant to 28 U.S.C. § 1332.

20. Defendant has, simultaneously with the filing of this Notice, given written notice of Removal to the Plaintiff.

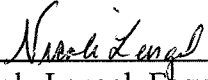
21. Defendant is also filing a copy of the instant Notice of Removal and all attachments with the Prothonotary of the Court of Common Pleas of Philadelphia County, Pennsylvania.

¹ This Notice of Removal is also being timely filed within thirty (30) days from the date of plaintiff's purported service upon CT Corporation System, October 5, 2017. *See* 28 U.S.C. §1446(b); F.R.C.P. 6(a)(1)(C).

WHEREFORE, Defendant, Family Dollar Stores of Pennsylvania, LLC, hereby removes this lawsuit to this Honorable Court pursuant to the laws of the United States.

Respectfully submitted,

BENNETT, BRICKLIN & SALTZBURG LLC

By: 
Nicole Lengel, Esquire
1601 Market Street, 16th Floor
Philadelphia, PA 19103
(215) 561-4300
(215) 561-6661 (fax)
Email: lengel@bbs-law.com
Attorney for Defendant,
Family Dollar Stores of Pennsylvania, LLC

Date: November 6, 2017

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ELEANOR THOMAS

v.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, LLC

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CIVIL ACTION NO. _____

JURY TRIAL DEMANDED

NOTICE TO PLAINTIFF

TO: Eleanor Thomas
c/o Marc F. Greenfield, Esquire
Spear, Greenfield, Richman & Weitz, P.C.
Two Penn Center Plaza, Suite 200
1500 JFK Boulevard
Philadelphia, PA 19102

PLEASE TAKE NOTICE that Defendant, Family Dollar Stores of Pennsylvania, LLC, has filed a Notice of Removal in the United States District Court for the Eastern District of Pennsylvania, removing to that Court a civil action previously pending in the Court of Common Pleas of Philadelphia County, Pennsylvania, September Term, 2017, No. 1996.

PLEASE TAKE FURTHER NOTICE that a certified copy of the Notice of Removal will be filed with the Prothonotary of the Court of Common Pleas of Philadelphia County, Pennsylvania.

Respectfully submitted,

BENNETT, BRICKLIN & SALTZBURG LLC

By: _____

Nicole Lengel
Nicole Lengel, Esquire
1601 Market Street, 16th Floor
Philadelphia, PA 19103
(215) 561-4300
(215) 561-6661 (fax)
Email: lengel@bbs-law.com
Attorneys for Defendant, Family Dollar Stores of
Pennsylvania, LLC

Date: November 6, 2017

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ELEANOR THOMAS

v.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, LLC

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CIVIL ACTION NO. _____

JURY TRIAL DEMANDED

PROOF OF FILING

COMMONWEALTH OF PENNSYLVANIA:

§

COUNTY OF PHILADELPHIA

:

Nicole Lengel, Esquire, being duly sworn according to law, deposes and says that she is a member of the law firm of Bennett, Bricklin & Saltzburg LLC, attorneys for defendant, Family Dollar Stores of Pennsylvania, LLC.

That she did direct the filing with the Prothonotary of the Court of Common Pleas of Philadelphia County a copy of the Notice of Removal, attached hereto, said filing to be made on November 6, 2017.

BENNETT, BRICKLIN & SALTZBURG LLC

By:

Nicole Lengel

Nicole Lengel, Esquire

Attorney for Defendant, Family Dollar Stores of
Pennsylvania, LLC

Sworn to and subscribed
before me this 6th day
of November, 2017.

Denise M. Patsch

NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL-
DENISE M. PATSCH, Notary Public
City of Philadelphia, Phila. County
My Commission Expires October 24, 2021

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ELEANOR THOMAS

v.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, LLC

CIVIL ACTION NO. _____

JURY TRIAL DEMANDED

PROOF OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :

§

COUNTY OF PHILADELPHIA :

Nicole Lengel, being duly sworn according to law, deposes and says that she is a member of the law firm of Bennett, Bricklin & Saltzburg LLC, attorneys for defendant, Family Dollar Stores of Pennsylvania, LLC, and that she did serve this 6th day of November, 2017, the aforementioned notice to plaintiff, upon the individual named below by depositing a copy of same in the United States Post Office box, postage prepaid, enclosed in an envelope plainly addressed to:

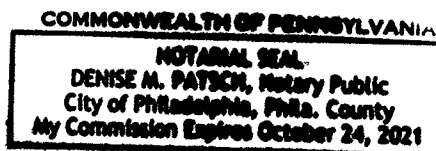
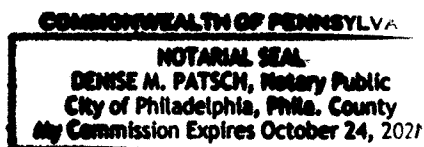
Marc F. Greenfield, Esquire
Spear, Greenfield, Richman & Weitz, P.C.
Two Penn Center Plaza, Suite 200
1500 JFK Boulevard
Philadelphia, PA 19102

BENNETT, BRICKLIN & SALTZBURG LLC

By: Nicole Lengel
Nicole Lengel, Esquire
Attorneys for Defendant, Family Dollar Stores of
Pennsylvania, LLC

Sworn to and subscribed
before me this 6th day
of November, 2017.

Denise M. Patsch
NOTARY PUBLIC



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ELEANOR THOMAS

v.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, LLC

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CIVIL ACTION NO. _____

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Nicole Lengel, Esquire, do hereby certify that I have served upon the below listed counsel of record a true and correct copy of the enclosed Notice of Removal on the below-listed date in a manner consistent with the Federal Rules of Civil Procedure.

Marc F. Greenfield, Esquire
Spear, Greenfield, Richman & Weitz, P.C.
Two Penn Center Plaza, Suite 200
1500 JFK Boulevard
Philadelphia, PA 19102

Respectfully submitted,

BENNETT, BRICKLIN & SALTZBURG LLC

By:

Nicole Lengel
Nicole Lengel, Esquire
1601 Market Street, 16th Floor
Philadelphia, PA 19103
(215) 561-4300
(215) 561-6661 (fax)
Email: lengel@bbs-law.com
Attorney for Defendant,
Family Dollar Stores of Pennsylvania, LLC

Date: 11/6/17

EXHIBIT A

SPEAR, GREENFIELD, RICHMAN & WEITZ, P.C.

BY: MARC F. GREENFIELD, ESQUIRE

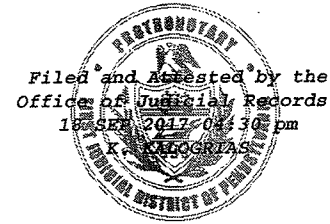
I.D. NO.: 62081

Two Penn Center Plaza, Suite 200

1500 J.F.K. Boulevard

Philadelphia, PA 19102

(215) 985-2424

**MAJOR JURY**

Attorney for plaintiff

ELEANOR THOMAS

5846 Pemberton Street

Philadelphia, PA 19143

v.

FAMILY DOLLAR STORES OF**PENNSYLVANIA, LLC**

c/o CT Corporation System

600 North 2nd Street, Suite 401

Harrisburg, PA 17101

COURT OF COMMON PLEAS
COUNTY OF PHILADELPHIA
CIVIL TRIAL DIVISION**COMPLAINT IN PERSONAL INJURY
2S PREMISES LIABILITY****NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE

PHILADELPHIA BAR ASSOCIATION
LAWYER REFERRAL and INFORMATION SERVICE
One Reading Center
Philadelphia, Pennsylvania 19107
(215) 238-6333
TTY: (215) 451-6197

ADVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días, de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL:

ASOCIACION DE LICENCIADOS DE FILADELFA
SERVICIO DE REFENCIA E INFORMACION LEGAL
One Reading Center
Filadelfia, Pennsylvania 19107
Teléfono: (215) 238-6333
TTY: (215) 451-6197

COMPLAINT IN PERSONAL INJURY
2S PREMISES LIABILITY

1. Plaintiff, Eleanor Thomas, is a citizen and resident of the Commonwealth of Pennsylvania, residing at the address listed in the caption of this Complaint.

2. Defendant, Family Dollar Stores of Pennsylvania, LLC, is a Business Entity doing business in the Commonwealth of Pennsylvania with a Business address listed in the caption of this complaint, and which at all times material hereto was the owner, operator, maintainer, possessor, lessor, lessee and/or otherwise legally responsible for the care, control and or safety of the premises located at or near 5716 Baltimore Avenue, Philadelphia, PA 19143 (hereinafter referred to as "premises").

3. At all times material hereto defendant, Family Dollar Stores of Pennsylvania, LLC, was acting individually, jointly and/or by and through defendant's agents, servants, franchisees, workmen and/or employees for the maintenance, repair, care and control of the premises.

4. On or about June 27, 2016, plaintiff was an invitee, licensee and/or otherwise legally on defendant's premises, when, as a result of the negligence and/or carelessness of the defendants, the plaintiff slipped and fell on liquid located inside the premises.

5. As a result of this accident, the plaintiff suffered severe and permanent bodily injury as more fully set forth at length below.

COUNT I
Eleanor Thomas v. Family Dollar Stores of Pennsylvania, LLC
Personal Injury

6. Plaintiff incorporates herein the allegations set forth in the previous paragraphs, inclusive, as if set forth here at length.

7. The negligence and/or carelessness of defendant consisted of the following:
- a. Failure to properly design, construct, maintain, and/or repair the premises, floors, hallways, pathways, aisles and/or walkways over which invitees, licensees and/or others are likely to travel rendering the premises unsafe;
 - b. Failure to properly monitor, test, inspect or clean the premises, floors, hallways, pathways, aisles and/or walkways to see if there were dangerous or defective conditions to those legally on the premises;
 - c. Failure to provide sufficient warning as to the reasonably foreseeable defects and dangerous nature of the premises, floors, hallways, pathways, aisles and/or walkways to such invitees, licensees and/or others legally on the premises;
 - d. Failure to barricade and/or block-off the defective and/or dangerous area of the premises floors, hallways, pathways, aisles and/or walkways;
 - e. Failure to reasonably inspect, maintain and/or otherwise exercise due and reasonable care under the circumstances in view of the foreseeable dangers, accidents and/or injuries that could occur as a result of the conditions on the premises, floors, hallways, pathways, aisles and/or walkways;
 - f. Failure to comply with all building codes, county and city laws, ordinances and regulations pertaining to the design, construction, and maintenance of the aforementioned premises;
 - g. Failing to exercise the proper care, custody and control over the aforesaid premises;

- h. Failure to inspect, maintain and/or repair known and/or unknown defects;
and,
- i. Failing to prevent and/or remove a dangerous condition derived, originated
or had its source the aforesaid premises;
- j. Failure to remove liquid from the premises.

8. As a direct result of the negligent and/or careless conduct of defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: cervical sprains and strains, multi-level cervical disc herniations, multi-level lumbar disc bulges, left C6-7 radiculopathy, posttraumatic cephalgia, and any other ills, injuries, all to plaintiff's great loss and detriment.

9. As a result of these injuries, all of which are to plaintiff's great financial detriment and loss, plaintiff has in the past, is presently and may in the future suffer great pain, anguish, sickness and agony and will continue to suffer for an indefinite time.

10. As an additional result of the carelessness and/or negligence of defendant, plaintiff has suffered emotional injuries along with the physical injuries suffered.

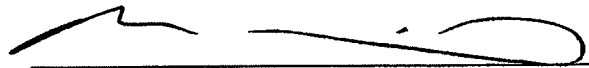
11. As a further result of the injuries sustained, the plaintiff has, is presently, and may in the future undergo a great loss of earnings and/or earning capacity, all to the further loss and detriment of the plaintiff.

12. Furthermore, in addition to all the injuries and losses suffered, the plaintiff has incurred or will incur medical, rehabilitative and other related expenses in the amount equal to and/or in excess of any applicable health insurance coverage for which plaintiff has not been reimbursed

and upon which the plaintiff makes a claim for payment in the present action.

WHEREFORE, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable costs and any other relief the court deems necessary.

**SPEAR , GREENFIELD, RICHMAN
& WEITZ, P.C.**

A handwritten signature in black ink, appearing to read 'M. Greenfield', is written over a horizontal line.

BY: MARC F. GREENFIELD, ESQUIRE

INTERROGATORIES, REQUESTS FOR PRODUCTION OF DOCUMENTS, SUPPLEMENTAL REQUESTS AND REQUEST FOR ADMISSIONS ARE SERVED ATTACHED TO PLAINTIFF'S COMPLAINT AT THE TIME SERVICE OF ORIGINAL PROCESS IS AND/OR WAS EFFECTUATED.

lmp

VERIFICATION

The undersigned, plaintiff in this action, verifies that the within pleading is based upon information furnished to counsel, which has been gathered by counsel in the preparation of this lawsuit. The language of the attached pleading is that of counsel and not of signor. Signor verifies that the within pleading, as prepared by counsel, is true and correct to the best of signor's knowledge, information and belief. To the extent that the contents of the within pleading are that of counsel, signor has relied upon counsel in taking this verification.

This verification is made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

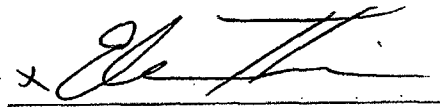
A handwritten signature in black ink, appearing to be "J. L. [unclear]", is written over a horizontal line.

EXHIBIT B

BENNETT, BRICKLIN & SALTZBURG LLC

ATTORNEYS AT LAW
1601 MARKET STREET | 16TH FLOOR
PHILADELPHIA, PA 19103-2393
PHONE: (215) 561-4300 | FAX: (215) 561-6661

WWW.BBS-LAW.COM

DIRECT DIAL: (215) 665-3327
EMAIL: lengel@bbs-law.com

November 6, 2017

Via Facsimile Only

Marc A. Greenfield, Esquire
Neil R. Gallagher, Esquire
Spear, Greenfield, Richman & Weitz, P.C.
Two Penn Center Plaza, Suite 200
1500 JFK Boulevard
Philadelphia, PA 19102

Re: Eleanor Thomas
v. Family Dollar Stores of Pennsylvania, LLC
Our File No. 113751

Dear Messrs. Greenfield and Gallagher:

Please be advised that my office has been retained to represent the defendant, Family Dollar Stores of Pennsylvania, LLC, in regard to the above-referenced matter. I have filed my entry of appearance with the court. Kindly direct all future correspondence to my attention.

Per my voicemail message for Mr. Gallagher on Friday, November 3rd, I have been trying to reach you to discuss this matter. Please be advised that my client is a citizen of the state of Virginia. As plaintiff is a citizen of Pennsylvania, diversity of citizenship exists between the parties. Accordingly, enclosed please find a proposed Stipulation to cap damages at \$75,000. If you will agree that the amount in controversy does not exceed \$75,000, please sign the Stipulation where indicated and return same to me by email or fax by 2:00 p.m. today, for filing with the court. If you will not so agree, please be advised that defendant will remove this matter to federal court today.

BENNETT, BRICKLIN & SALTZBURG LLC

ATTORNEYS AT LAW

November 6, 2017

Page 2

Additionally, I am writing to request a thirty (30) day extension to provide my client's responses to plaintiff's Interrogatories, Requests for Admission, Request for Production of Documents and Supplemental Interrogatories and Requests for Production of Documents. Unless I hear from you to the contrary, I will assume you are agreeable to this request.

Thank you for your attention to this matter. If you have any questions, please feel free to contact me.

Very truly yours,


Nicole Lengel

NL/

Enclosure

BENNETT, BRICKLIN & SALTZBURG LLC
BY: NICOLE LENGEL
ATTORNEY I.D. NO. 207450
1601 MARKET STREET
16th FLOOR
PHILADELPHIA, PA 19103
(215) 561-4300

Attorney for Defendant,
Family Dollar Stores of Pennsylvania, LLC

ELEANOR THOMAS	:	COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY
v.	:	
	:	NO.170901996
FAMILY DOLLAR STORES OF	:	
PENNSYLVANIA, LLC	:	

STIPULATION AND AGREEMENT

WHEREAS, Plaintiff, Eleanor Thomas (“Plaintiff”) has instituted the above action by filing a Complaint on September 18, 2017 against Defendant, Family Dollar Stores of Pennsylvania, LLC (“Defendant”);

WHEREAS, Plaintiff has asserted against Defendant in the first count of the Complaint, a claim for Personal Injury and seeks damages in an amount in excess of \$50,000.

WHEREAS, counsel for the Defendant has advised Plaintiff’s counsel that if the total amount of damages sought under each count of the Complaint exceeds \$75,000, then Defendant will remove the matter to the United States District Court for the Eastern District of Pennsylvania, there existing diversity of citizenship between the Plaintiff and Defendant, and

WHEREAS, Plaintiff’s counsel has advised Defendant’s counsel that the amount being sought by Plaintiff or which will be sought in the future by Plaintiff under all counts of the complaint, in total, does not exceed \$75,000 in toto.

Now, therefore, this day of , 2017, in exchange for the following and other good and valuable consideration, the parties to this lawsuit agree as follows:

1. Plaintiff's recovery in this case, inclusive of all counts of the complaint, shall not exceed the sum of seventy-five thousand dollars (\$75,000.00) exclusive of interest and costs, and any award, verdict or judgment entered in this matter shall be molded accordingly.

2. Defendant will not file a notice of removal transferring this matter to the United States District Court for the Eastern District of Pennsylvania.

By:

MARC F. GREENFIELD, ESQUIRE
Attorney for Plaintiff,
Eleanor Thomas

By:

NICOLE LENGEL, ESQUIRE
Attorneys for Defendant,
Family Dollar Stores of Pennsylvania, LLC

EXHIBIT C



Notice of Service of Process

Transmittal Number: 17319878
Date Processed: 10/27/2017

Primary Contact: Alexandra Anable
Family Dollar Stores, Inc.
10401 Monroe Road
Matthews, NC 28105-5349

Electronic copy provided to: Patti Ferry
Cynthia Bertucci
Erin Kerns

Entity:	Family Dollar Stores of Pennsylvania, LLC Entity ID Number 3697601
Entity Served:	Family Dollar Stores of Pennsylvania, LLC
Title of Action:	Eleanor Thomas vs. Family Dollar Stores of Pennsylvania, LLC
Document(s) Type:	Complaint
Nature of Action:	Personal Injury
Court/Agency:	Philadelphia County Court of Common Pleas, Pennsylvania
Case/Reference No:	170901996
Jurisdiction Served:	Pennsylvania
Date Served on CSC:	10/25/2017
Answer or Appearance Due:	Other/NA
Originally Served On:	CSC
How Served:	Personal Service
Sender Information:	Marc F. Greenfield 215-985-2424

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

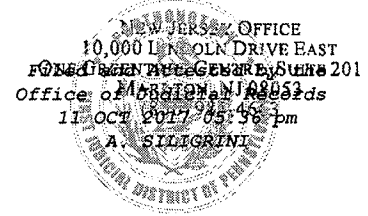
To avoid potential delay, please do not send your response to CSC
251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com

EXHIBIT D

SPEAR, GREENFIELD, RICHMAN & WEITZ, P.C.

ATTORNEYS & COUNSELORS AT LAW
TWO PENN CENTER PLAZA, SUITE 200
1500 J.F.K. BOULEVARD
PHILADELPHIA, PENNSYLVANIA 19102
(215) 985-2424
FAX (215) 545-6117
www.injuryline.com
email: office@injuryline.com

RAND SPEAR*
MARC F. GREENFIELD*
STUART A. RICHMAN
JEREMY M. WEITZ*
SCOTT T. TAGGART*
JOSHUA H. BEISLER*
ANDREW J. THOMSON*
JASON R. YOUNG
CHRISTOPHER N. LEEDS*
EDWARD F. KUHN, III*
MAKSIM TAKHTAROV*
ALEXANDER H. KIPPERMAN*
KYLE D. REICH †
NEIL R. GALLAGHER †
*MEMBER OF NJ AND PA BAR
†MEMBER OF NJ BAR ONLY



September 21, 2017

Dauphin County Sheriff
Dauphin County Courthouse, First Floor
101 Market Street, Room 101
Harrisburg, PA 17101

**RE: Thomas, Eleanor v. Family Dollar Stores of Pennsylvania, LLC
CCP Philadelphia County, Case No. 170901996**

To The Sheriff:

Enclosed please find one (1) Civil Action Complaint(s) with attached interrogatories and request for production of documents in connection with the above-captioned matter. Please serve defendant as follows:

Family Dollar Stores of Pennsylvania, LLC
c/o CT Corporation System
600 North 2nd Street, Suite 401
Harrisburg, PA 17101

Also enclosed please find a check in the amount of \$41.25 representing your costs for service. Please send me proof of same in the self-addressed, stamped envelope enclosed as soon as possible.

Very truly yours,

**SPEAR, GREENFIELD, RICHMAN
& WEITZ, P.C.**

Lauren Portnoy

Lauren Portnoy
Paralegal

Imp
Enclosures

Office of the Sheriff



Shelley Ruhl
Real Estate Deputy

David B. Dowling
Solicitor

Jack Duignan
Chief Deputy

Dauphin County
101 Market Street
Harrisburg, Pennsylvania 17101-2079
ph: (717) 780-6590 fax: (717) 780-6557

Nicholas Chimienti Jr.
Sheriff

Commonwealth of Pennsylvania

: ELEANOR THOMAS

VS

County of Dauphin

: FAMILY DOLLAR STORES OF
PENNSYLVANIA, LLC

Sheriff's Return

No. 2017-T-2789

OTHER COUNTY NO. 170901996

And now: OCTOBER 5, 2017 at 9:15:00 AM served the within COMPLAINT, INTERROGATORIES REQUEST FOR PROD OF DOC upon FAMILY DOLLAR STORES OF PENNSYLVANIA, LLC by personally handing to GINGER BENNETT (AGENT) 1 true attested copy of the original COMPLAINT, INTERROGATORIES REQUEST FOR PROD OF DOC and making known to him/her the contents thereof at C/O CT CORP, 600 N 2ND STREET, SUITE 401 HARRISBURG PA 17101

Sworn and subscribed to
before me this 6TH day of October, 2017

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL
Karen M. Hoffman, Notary Public
City of Harrisburg, Dauphin County
My Commission Expires January 8, 2018

So Answers,

Sheriff of Dauphin County, Pa.

By

Deputy Sheriff

Deputy: JOSHUA LONG

Sheriff's Costs: \$41.25 10/3/2017

Case ID: 170901996



COUNTY OF DAUPHIN
HARRISBURG, PA.

NICHOLAS CHIMIENTI JR.
SHERIFF OF DAUPHIN COUNTY

OFFICAL RECEIPT

File #

Case Number

Document Type

2017-T-2789

**COMPLAINT,
INTERROGATORIES
REQUEST FOR
PROD OF DOC**

Operator: 2576

Primary Defendant: **FAMILY DOLLAR STORES OF PENNSYLVANIA, LLC**

Cash Accounting

Rec. Date	Cat.	Transaction Type	Deposit Type	Check Number	Check From	Amount
10/3/2017	Deposit County	Civil Action-Notice	Check	18095	SPEAR, GREENFIELD, RICHMAN & WEITZ, PC	\$41.25

Total Number of Rows: 1

Total Paid \$41.25

RECD. BY

EXHIBIT E

Corporations ▼ Search Business Entities (corpsearch.aspx) Search UCC Transactions (uccsearch.aspx) Forms ▼

Contact Corporations (<http://www.dos.pa.gov/BusinessCharities/Pages/default.aspx>) Register (../Account/Register_account) Login (../Account/ValidateUser)

Search entity / Select entity / Order documents

Order Business Documents

Date: 11/06/2017

Business Name History

Name	Name Type
FAMILY DOLLAR STORES OF PENNSYLVANIA, INC.	Prior Name
Family Dollar Stores of Pennsylvania, LLC	Current Name

Business Entity Details

Officers

Name	Family Dollar Stores of Pennsylvania, LLC
Entity Number	117553
Entity Type	Limited Liability Company
Status	Active
Citizenship	Foreign
Entity Creation Date	08/12/1971
Effective Date	08/12/1971
State Of Inc	VA
Address	C/O CORPORATION SERVICE COMPANY Dauphin

Filed Documents

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<input type="checkbox"/>	08/12/1971	ARTICLES OF INCORPORATION 2	4	<input type="text" value="1"/>	\$3.00	<input type="text" value="0"/>	\$40.00	7136	1340	0	
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<input type="checkbox"/>	05/10/1995	CHANGE OF REGISTERED AGENT - Domestic 4	1	<input type="text" value="1"/>	\$3.00	<input type="text" value="0"/>	\$40.00	9531	734	734	
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<input type="checkbox"/>	02/03/2016	Transfer of Registration - Foreign 8	2	<input type="text" value="1"/>	\$3.00	<input type="text" value="0"/>	\$40.00				
<input type="checkbox"/>	06/06/2017	Amendment - Foreign Registration Statement 9	2	<input type="text" value="1"/>	\$3.00	<input type="text" value="0"/>	\$40.00				

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